(47)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench: Hon'ble Shri Jagdish Bhalla, Ag Chief Justice.

Writ Petition (C) No. 2487/ 2007

PETITIONER
PLAINTIFF

Basant Widow of Late Shri Mahajan Panika, aged about 60 years, Resident of Village Udaipur Dhab, Tahsil and Police Station Ambikapur, District Surguja (C.G.)

Versus

RESPONDENTS

1. The Sarpanch, Village Panchayat Udaipur, Dhab, Tahsil and Police Station Ambikapur, District Surguja (C.G.)
2. The Block Education Officer, Block Ambikapur, District Surguja (C.G.)
3. State of Chhattisgarh, Through : The Collector, Ambikapur, District Surguja (C.G.)

Writ Petition under Article 227 of Constitution of India.

Present: Shri V. K. Pandey, counsel for the petitioner.
Shri G. D. Vaswani, Govt. Advocate for the respondents No. 2 and 3.

ORAL ORDER
(Passed on 08th August, 2007)

The petitioner has filed a suit for declaration and for permanent injunction after constructing the house on a Government land without any authority of law. It is submitted that the petitioner has applied for allotment of a Government land. Before the land could be allotted the petitioner constructed the house over the land. According to the petitioner, till date no allotment has been made to the petitioner. Therefore, it can be said that said construction was without any authority of law. The petitioner filed a suit and moved an application

(48)

under Order 39 Rule 1 and 2 of the Code of Civil Procedure, 1908 (for short the 'CPC') for permanent injunction. The learned Civil Court has rejected the application. Aggrieved by the same the petitioner preferred an appeal before the District Judge and the appeal has also been dismissed. Learned counsel for the petitioner stated that the petitioner is in possession of land in question from the year 1960. It is an admitted case that land belongs to the Government and no allotment has been made to the petitioner. Therefore, I do not find any ground to show interference under Article 227 of the Constitution of India.

Accordingly, the writ petition stands dismissed.

Sd/-
Acting Chief Justice

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